



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Health

- ☐ Preproposal Statement of Inquiry was filed as WSR ; or
☐ Expedited Rule Making--Proposed notice was filed as WSR ; or
☒ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice
☐ Supplemental Notice to WSR
☐ Continuance of WSR

Title of rule and other identifying information: (Describe Subject)

Fiscal Growth Factor Fee Increases for WAC 246-329-990 Child Birth Centers, WAC 246-337-990 Residential Treatment Facilities, WAC 246-380-990 State Institutional Survey and WAC 246-360-990 Transient Accommodations.

Hearing location(s):

Department of Health
Point Plaza East, Room 153
310 Israel Road SE
Tumwater Washington 98501

Submit written comments to:

Name: Alisa Harris
Address:
PO Box 47852
Olympia, WA 98504-7852

Web site: <http://www3.doh.wa.gov/policyreview/>**fax:** 360 236-2901 **by (date)** 07/24/2006**Date:** August 22, 2006 **Time:** 10:00 AM**Date of intended adoption:** 08/24/2006
(Note: This is NOT the effective date)**Assistance for persons with disabilities:** Contact
Alisa Harris by 07/24/2006
TTY (800) 833-6388 or () 711**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

The proposed rules increase fees within the fiscal growth factor limits of 3.38 percent for Fiscal Year 2007. The proposed fees cover the inflationary costs of operating Child Birth Centers, Residential Treatment Facilities State Institutional Survey and Transient Accommodations. A fee study was completed for each fee to determine the amount of the increase. Fee studies are conducted annually for each program to determine if future fee increases are necessary.

Reasons supporting proposal:

RCW 43.70.250 requires the department to charge fees sufficient to cover the full cost of program operations. The proposed fees meet this requirement by increasing revenue to help cover the costs of running each program.

Statutory authority for adoption:

RCW 43.70.110, 43.70.250, 18.46.030, 70.62.220, 71.12.470

Statute being implemented:

RCW 43.70.110, 43.70.250,

Is rule necessary because of a:

- Federal Law? ☐ Yes ☒ No
Federal Court Decision? ☐ Yes ☒ No
State Court Decision? ☐ Yes ☒ No

If yes, CITATION:

DATE

7/17/06

NAME (type or print)

Mary C. Selecky

SIGNATURE**TITLE**

Secretary

CODE REVISER USE ONLY

| | |
|---|-----------|
| CODE REVISER'S OFFICE STATE OF WASHINGTON FILED | |
| JUL 19 2006 | |
| TIME | 1009 |
| WSR | 06-15-129 |
| | AM PM |

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

N/A

Name of proponent: (person or organization)

Department of Health

☐ Private

☐ Public

☒ Governmental

Name of agency personnel responsible for:

| | Name | Office Location | Phone |
|----------------|--------------|----------------------------------|----------------|
| Drafting | Gary Bennett | 310 Israel Road SE, Tumwater | (360) 236-2900 |
| Implementation | Gary Bennett | 310 Israel Road SE, Tumwater WA | (360) 236-2900 |
| Enforcement | Gary Bennett | 310 Israel Road SE, Tumwater, WA | (360) 236-2900 |

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone:

fax:

e-mail:

☒ No. Explain why no statement was prepared.

This proposal is exempt under RCW 19.85.025(3) and does not require a SBEIS. However, the department prepared fee analyses which provide documentation of the need for the fee increases. To obtain a copy of a fee analysis, contact Alisa Harris at the address above.

Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes. A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone:

fax:

e-mail:

☒ No. Please explain:

The department did not complete a cost benefit analysis. This rule proposal is exempt from this requirement under RCW 34.05.328(5)(b)(iv) and (vi).

AMENDATORY SECTION (Amending WSR 05-13-189, filed 6/22/05, effective 7/23/05)

WAC 246-329-990 Fees. (1) Childbirth centers licensed under chapter 18.46 RCW shall submit an annual fee of five hundred ((eighty)) ninety-nine dollars and ((thirty)) ninety cents to the department unless a center is a charitable, nonprofit, or government-operated institution under RCW 18.46.030.

(2) The department shall refund fees paid by the applicant for initial licensure as follows:

(a) If an application has been received but no on-site survey or technical assistance has been performed by the department, two-thirds of the fees paid, less a fifty dollar processing fee.

(b) If an application has been received and an on-site survey or technical assistance has been performed by the department, one-third of the fees paid, less a fifty dollar processing fee.

(c) No fees paid by the applicant will be refunded if any of the following applies:

(i) More than one on-site visit for any purpose has been performed by the department;

(ii) One year has elapsed since an initial licensure application is received by the department, but no license is issued because applicant failed to complete requirements for licensure; or

(iii) The amount to be refunded as calculated by (a) or (b) of this subsection is ten dollars or less.

AMENDATORY SECTION (Amending WSR 05-23-099, filed 11/17/05, effective 12/18/05)

WAC 246-337-990 Licensing fees. A licensee must submit the following fees to the department:

| FEE TYPE | AMOUNT |
|--|--------------------------------|
| Administrative processing/ initial application fee | \$((150.00)) 155.00 |
| License bed fee (per bed) | \$((139.90)) 144.60 |
| Annual renewal fee (per bed) | \$((139.90)) 144.60 |
| Late fee (per bed) | \$25.00 (up to \$500.00) |
| Follow-up compliance survey fee or a complete on-site survey fee resulting from a substantiated complaint | \$1000.00 |

(1) The department shall refund fees paid by the applicant for initial licensure if:

(a) The department has received an application but has not conducted an on-site survey or provided technical assistance. The department shall refund two-thirds of the fees paid, less a fifty dollar processing fee;

(b) The department has received an application and has conducted an on-site survey or provided technical assistance. The department shall refund one-third of the fees paid, less a fifty dollar processing fee.

(2) The department will not refund fees paid by the applicant if:

(a) The department has conducted more than one on-site visit for any purpose;

(b) One year has elapsed since the department received an initial licensure application, and the department has not issued a license because the applicant failed to complete requirements for licensure; or

(c) The amount to be refunded as calculated by subsection (1)(a) or (b) of this section is ten dollars or less.

AMENDATORY SECTION (Amending WSR 05-13-189, filed 6/22/05, effective 7/23/05)

WAC 246-360-990 Fees. (1) The licensee or applicant must submit:

(a) An annual fee according to the following schedule:

| NUMBER OF LODGING UNITS | FEE |
|-------------------------|---|
| 3 - 10 | \$ ((158.80)) <u>164.10</u> |
| 11 - 49 | \$ ((315.70)) <u>326.30</u> |
| 50 - over | \$ ((635.60)) <u>657.00</u> |

(b) A late fee of ~~((fifty-two))~~ fifty-four dollars and ~~((ninety))~~ sixty cents, in addition to the full license renewal fee, if the full license renewal fee is not received by the department on the expiration date (see RCW 70.62.260);

(c) An additional fee of ~~((fifty-two))~~ fifty-four dollars and ~~((ninety))~~ sixty cents for an amended license due to changing the number of lodging units or the name of the transient accommodation.

(2) The department shall refund fees paid by the applicant for initial licensure as follows:

(a) If an application has been received but no on-site survey or technical assistance has been performed by the department, two-thirds of the fees paid, less a fifty dollar processing fee.

(b) If an application has been received and an on-site survey or technical assistance has been performed by the department, one-third of the fees paid, less a fifty dollar processing fee.

(c) No fees paid by the applicant will be refunded if any of the following applies:

(i) More than one on-site visit for any purpose has been performed by the department;

(ii) One year has elapsed since an initial licensure application is received by the department, but no license is issued because applicant failed to complete requirements for licensure; or

(iii) The amount to be refunded as calculated by (a) or (b) of this subsection is ten dollars or less.

AMENDATORY SECTION (Amending WSR 05-13-189, filed 6/22/05,
effective 7/23/05)

WAC 246-380-990 Fees. An annual health and sanitation survey fee for community colleges, ferries, and other state of Washington institutions and facilities shall be assessed as follows:

Fee

(1) Food Service

- | | | |
|-----|--|-------------------------------|
| (a) | As defined in WAC 246-215-011(12) food service establishments or concessions in community colleges, ferries, or any other state of Washington facility preparing potentially hazardous foods. This shall include dockside food establishments directly providing food for the Washington state ferry system. | \$((583.60)) <u>603.30</u> |
| (b) | Food service establishments or concessions that do not prepare potentially hazardous foods. | \$((292.80)) <u>302.60</u> |
| (c) | The health and sanitation survey fee referenced in subsection (a) and (b) of this section may be waived provided there is an agreement between the department of health and the local jurisdictional health agency for the local health agency to conduct the food service establishments surveys. | |

(2) State institutions or facilities.

- (a) Institutions or facilities operating a food service:
The annual fee shall be nine dollars and ~~((twenty-five))~~ fifty cents times the population count plus ~~((five hundred eighty-three))~~ six hundred three dollars and ~~((sixty))~~ thirty cents. The population count shall mean the average daily population for the past twelve months (January through December).
- (b) Institutions or facilities that do not operate a food service:
The annual fee shall be nine dollars and ~~((twenty-five))~~ fifty cents times the population count.
- (c) The population count for a new institution shall mean the average projected daily population for the first twelve months of operation.